

tained 10 pounds net of the article, and for the further reason that said article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said pails contained 10 pounds net of the article, whereas, in truth and in fact, each of the said pails did not contain 10 pounds net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 16, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10532. Misbranding of Nervosex tablets. U. S. * * * v. 6 Packages of Nervosex Tablets. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14572. I. S. No. 8464-t. S. No. E-3149.)

On March 1, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 6 packages of Nervosex tablets, remaining unsold in the original unbroken packages at Roanoke, Va., consigned June 23, 1920, alleging that the article had been shipped by the United Laboratories, East St. Louis, Ill., and transported from the State of Illinois into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained zinc phosphid, a phosphate, an iron compound, and vegetable constituents, including material derived from nuxvomica.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements regarding the curative and therapeutic effects of the said article were false and fraudulent, in that it was stated upon the labels thereof that Nervosex tablets were a compound of nerve and muscle stimulants for low vitality, lack of energy, and sexual weakness, whereas, in truth and in fact, the said article would not produce the curative and therapeutic effects as claimed in said labels.

On August 16, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

10533. Adulteration and misbranding of canned oysters. U. S. * * * v. 80 Cases of Pamlico Brand Oysters in Cans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14691. I. S. No. 11270-t. S. No. C-2799.)

On March 31, 1921, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 80 cases of Pamlico Brand oysters in cans, remaining in the original unbroken packages at Dothan, Ala., alleging that the article had been shipped by the Crockett Packing Co., Washington, N. C., May 15, 1920, and transported from the State of North Carolina into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Pamlico Brand Oysters Contents 5 Oz. Packed By Crockett Packing Co. Washington, N. C."

Adulteration of the article was alleged in the libel for the reason that liquor, clam shells, oyster shells, and grass had been mixed and packed with and substituted wholly or in part for oysters. Adulteration was alleged for the further reason that the article consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged in substance for the reason that the statement on the label of the can containing the said article, to wit, "Oysters * * * Contents 5 Oz.," together with the design of an oyster on half shell, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of, and was offered for sale under the distinctive name of, another article; and for the further reason that it was [food] in package form, and the quantity of